# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

PHILIP L. TROPEANO, PETER TROPEANO, and CAROLYN PATTON,	) ) )
Plaintiffs,	)
v.	) CIVIL ACTION ) NO. 03-CV-12231-RGS
CHARLENE DORMAN,	)
BIANCA DORMAN,	)
LYDIA DORMAN,	)
TODD DORMAN,	)
T&N REALTY TRUST, and	)
CAPTAIN PARKER ARMS PARTNERSHIP,	)
Defendants.	) ) )

# AFFIDAVIT OF LESLIE CROSSLEY

- I, Leslie Crossley, hereby depose and state as follows:
- 1. I am employed by Edwards Angell Palmer & Dodge, LLP, counsel for the Defendants, as a paralegal. This Affidavit is made to present to the Court true copies of the following documents which are relevant to Defendants' opposition to Plaintiffs' Motion for Real Estate Attachment.
- 2. I have reviewed and copied documents concerning the Defendant T&N Realty
  Trust on file with the Middlesex County Registry of Deeds, Southern District, Registered Land
  Division. True copies of such documents are attached hereto as follows:
- Exhibit A Transfer Certificate of Title No. 113382, reflecting the Trust's ownership of the Captain Parker Arms property.
- Exhibit B Declaration of Trust, dated June 26, 1962, filed with said Middlesex Deeds as Document no. 401177.

Exhibit C Amendment to Trust dated February 12, 1965, filed with said Middlesex Deeds as Document no. 415806. Exhibit D Amendment to Trust dated February 5, 1982, filed with said Middlesex Deeds as Document no. 620093. Exhibit E Amendment to Trust dated August 6, 1992, filed with said Middlesex Deeds as Document no. 884401. Exhibit F Amendment to Trust dated October 8, 1998, filed with said Middlesex Deeds as Document no. 1127942. Exhibit G Appointment of Trustees, Trustees Powers and Authority dated January 4, 2002, filed with said Middlesex Deeds as Document no. 1213449. Exhibit H Resignation of Trustee dated May 16, 2002, filed with said Middlesex Deeds as Document no. 1213450.

Deeds as Document no 1256631.

Middlesex Deeds as Document no. 1278062.

Exhibit I

Exhibit J

3. Attached hereto as <u>Exhibit K</u> is a true copy of the September 21, 2006 letter (with enclosures) which was sent to Plaintiffs' counsel requesting that the Plaintiffs resign as Trustees of Defendant T&N Realty Trust. My review of documents at the Middlesex County Registry of Deeds, Southern District, Registered Land Division disclosed that the requested resignations of the Plaintiffs as Trustees had not been recorded as of December 7, 2006.

Appointment of Trustees dated November 4, 2002, filed with said Middlesex

Amendment & Appointment of Trustees dated June 16, 2003, filed with said

- 4. Attached hereto as Exhibit L is a true copy of the fiscal 2004 (July 1, 2003 to June 30, 2004) assessment for Captain Parker Arms, obtained from the Lexington Assessor's office.
- 5. Attached hereto are true copies of the following documents concerning the Emerson Gardens Condominium, Emerson Gardens Road, Lexington, Massachusetts:
- Exhibit M Exhibit C to the Emerson Gardens Condominium Master Deed. The Master Deed is dated February 27, 1987 and recorded at the Middlesex County Registry of Deeds, Southern District, at Book 17927, page 420.

Exhibit N A printout of the Emerson Garden Condominiums website home page (http://www.emersongardenscondo.com/), printed from the website on December 6, 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of December, 2006.

Leslie Crossley

**CERTIFICATE OF SERVICE** 

I hereby certify that this document filed through the ECF system pursuant to Local Rule 5.4 will be sent electronically to all other parties.

\_\_\_\_\_/s/ Christine M. O'Connor\_\_\_\_\_

Exhibit A

Document 51

Filed 12/08/2006

Page 4 of 63

Pr 6 9 7

Transfer Certificate of Title.

No. 113382

re 032

Original

Certificate No. 95882 , Originally Registered September 4,

mortgage,

609

Page

for the South Registry District of Middlesex County.

This is to

Certify that Alfred P. Tropeano of Lexington in the County of Middlesex and Commonwealth of Massachusetts and Wilbur C. Nylander of Belmont in said County and Commonwealth, Trustees of The T & N Realty Trust under a Declaration of Trust dated June 26, 1962 and registered January 8, 1964 being Document 40117% filed in the Land Registration Office for the South Registry District of Middlesex County - and Commonwealth of Massachusetter

are the owners in fee simple, with power to sell and power to

of that certain parcel of land

situate in Lexington

in the County of Middlesex and said Commonwealth, bounded and described as follows:

Northwesterly by the southeasterly line of Waltham Street. seven hundred fourteen and 17/100 feet;

Northerly by a curving line at the junction of said Waltham Street and Worthen Road as shown on plan hereinafter mentioned, fifty and 42/100 feet;

Northeasterly by said Worthen Road, ten hundred fifty-one and 57/100 feet;

Easterly by land now or formerly of Colonial Development Corporation, five hundred seventy-three and 87/100 feet; Southeasterly by lot 1 as shown on plan filed in Registration

Book 624, Page 161, thirty-seven and 96/100 feet; Southwesterly by lands of sundry adjoining owners as shown on said first mentioned plan, the line running in part through the middle of a ditch, eleven hundred eighty-six and 89/100 feet: and

Northwesterly, fifteen and 50/100 feet, and Southwesterly, one hundred and forty feet, by land now or formerly of Louis J. Carter.

Said parcel is shown as lots 10 and 11 on said plan.

All of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 697, Page 32, with Certificate 113382.

Portions of the above described land marked Restricted Area "A" and Restricted Area "B" shown on plan filed in Registration Book 609, Page 132 are subject to restrictions as set forth in the following five deeds: one given by Charles W. Ryder to Albert A. Ross et al, dated April 24, 1930, duly recorded in Book 5469, Page 403, and four given by Lexington Estates Trust, one to Elizabeth West, dated October 11, 1938, duly recorded in Book 6243, Page 379, one to Arthur C. Bousquet et ux, dated February 29, 1940, duly recorded in Book 6371, Page 227, one to Frank J. Bandzul, dated August 25, 1947, duly recorded in Book 7177, Page 403, and one to Dorothy B. Davis, dated November 5, 1947, duly recorded in Book 7213, Page 44.

So much of the above described land as is included within the area marked Sewer Easement, approximately shown on said first mentioned plan, is subject to a sewer easement as set forth in a taking by the Town of Lexington, dated July 2, 1948, duly recorded in Book 7311, Page 107.

Said lot 11 is subject to the flow of a natural water course running through the same and shown on said first mentioned plan as South Branch of Vine Brook.

So much of the above described land as is included within the limits of the ditch, shown on said first mentioned plan, is subject to such rights as may exist at the date of original decree (September 3, 1958).

No. 113382 Cont'd.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and any amendments thereto, and that the title of said

Alfred P. Tropeano and Wilbur C. Nylander, Trustees as aforesaid to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, and any amendments thereto, which may be subsisting, and subject also as aforesaid.

WITNESS, JOHN E. FENTON, Esquire, Judge of the Land Court, at Cambridge, in said County of Middlesex, January eighth day of the year nineteen bundred and sixty-four o'clock and 2 minutes in the after - noon.

Attest, with the Seal of said Court,

Address of owner s: 114 Waltham Street, Lexington, Mass.

(Land Court Case No. 27677

72   MEMORRA   MEMORRA	DOCUMENT   KIND   LEXINGLE   LEXINGLON OF   TERN	WS  If or Alteration is Waltham Street, we Pl. with Doc.  Tights and ease and under Norther See Doc.  See Doc.  and Interest pay age, covering this See Doc.  In of Trust Document arross within described See Doc.  See Doc.  See Doc.  In mortgage.  See Doc.  See Doc.  See Doc.  See Doc.  To not Trust Document and Interest and Inte	ND DESC INSTRUMENT TEAR 1959 1955 1955 1955 1955 1956 1966 1966	LAND DESCRIBED IN    DATE OF   NOTE OF	SICNATURE ASSISTANT RECASSISTANT RECASSISTAN	OF DISCHARGE ORDER  ORDER  PEDUARY 14, 199 DISCHARGE  BY DOCCMENT NO. HALLELE LA  BY DOCCMENT NO. ASSET ROOMER  ASSET NO. 837737  C. X. S. L. M. M. M. Broader  ACTING  BY DOCUMENT 14, 199 RELEASED  BY DOCUMENT NO. ASSET ROOMER  ACTING  AC	:03-cv-12231-RGS
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The state of the s	IN THIS CERTIFICATE. No. 113382	DISCHARGE	April 15, 19 BY DOCUMEN	May 5, 1977 DISCHARGED	, C.					-							See Certificate 156738 Book 913Page 188		
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•	ABRANCES ON THE LAND DESCRIBED	TERMS	\$20,000.Middlesex Superior Court.		See Document	Taking of easement in Worthen Road.	Pl. with Doc.	Granting easeme Document No. 4	Amending this certificate by striking therefrom the following language beginning with Portions of the above described land and	Book 7213, Page 44.	Rel. lot 15 as included in Mortgage Document No.415807. Pl.in Ld. Ct.	Imposing certain conditions on lots 16 thru 24, Plan No.27677H.	See Doc.	Perpetual rights and easements in, through and under Rydar Lane and drainage easement on lots 18, 19, 20 and 22 on plan No.276774	Perpetual rights and easements for transmission of electricity in Ryder Lane and lots 16 thru 21 incl, lots 23 and 24 on plan No.27677H.	Imposing restrictions on lots 16 and 18 to 24 incl Pl.in Bk.697, P.32 See Doc.	this certi id lot. 97. P.32		
	MEMORANDA OF ENCUMBRANCES	RUNNING IN FAVOR OF		Raymond Peters	Alfred P. Tropeano et al		Town of Lexington	Mystic Valley Gas Company to Boston Gas Company		Y PEG	Alfred P. Tropeano et al Trs.	Alfred P.Tropeano et al Trs.	Planning Board of the Town of Lexington	Alfred P. Tropeano et al Trs. to Town of Lexington	Alfred P. Tropeano et al Trs. N. E. Tel. and Tel. Co. Boston Fdison Company	Alf	Lawrence J. Ansin		-
	MEMOR	KIND		Attachment	Mortgage		Order	Grant of Easement	Order of Court		Votes and Par. Rel.	Statement of	and Agmt.	Grant of Easement	Grant of Easement	Imposing of Restrictions by	Deed and Resvn.		
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Approval of plans for lot 21 compliance with restrictions Document No. 577553.	Par. Rel. by Alfred P.Tropeano et al Tre.	Alfred P.Tropeano et al Trs.	Approval of pla compliance with Document No. 57	ns for lot 21 in restrictions 7553.	1980 Feb. 8	1980 Feb. 8 1 55 PM	Land Rolling		
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Filed 12/08/2006 Page 9 of		The Comments of the Comments o	Dec. 21 12 42 PM 1992	Nov. 27 1992 Dec. 21 1992 Dec. 21 1999 Nov. 4	\$3,000,000. as stated in mortgage, covering lot 14 Plan No. 276776.  Assignment of rents &c. under Mortgage Document No. 890839.  Amending Mortgage Document No.890839.  Certifying death of Alfred P.Tropeano on August 5, 1997.  (SEE OVER)	Town of Lexington  Lexington Savings Bank  Lexington Savings Bank  USTrust  with  with Philip L. Tropeano et al Trs.	Municipal Liens Certificate and Assignment Agreement and Trustees Certificate Certificate Certificate Certificate Death	890838 890840 890840 1124253	
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#### DECLARATION OF TRUST

WHEREAS it is proposed to form a trust relating to the purchase, holding, improvement, development and management of various parcels of real estate, together with the investment and management of proceeds from the same and any other property, and to accomplish this to build, erect, tear down, repair, remodel, enlarge, rebuild and operate buildings, grade and landscape grounds of every description:

WHEREAS the Trustees hereunder named will by deed acquire title to certain real estate situated in Lexington, Middlesex County, Massachusetts, which deed will be recorded herewith;

NOW, THEREFORE, WE, ALFRED P. TROPEANO of Lexington, Middlesex County, Massachusetts, and WILBUR C. NYLANDER, of Belmont, Middlesex County, Massachusetts hereby declare that we hold the said real estate and any and all other property of whatever nature, both real and personal, however described and wherever located which may hereafter be conveyed or come to us as Trustees under the Trust for the following purposes:

## I - TITLE OF TRUSTEES

The title of the Trustees hereunder shall be The T & N Realty Trust, and any property conveyed, sold or leased to them under that description shall be held under this instrument.

# II - POWERS OF TRUSTEES

- (a) To acquire any parcels or parcel of real estate or interest therein, and manage, lease, develop, improve, and hold, mortgage or sell the
- (b) To enter into, execute, adopt, and fulfill any contract for the erection, alteration, or repair of any structure upon real estate.
- (c) To act as agents or trustees in the care and management of real and personal property committed to it by deed of trust or otherwise; to receive for investment the funds of any person, firm, or corporation or association, and to pay out the same as directed by such person, firm,

corporation, or association, and to deal and trade in stocks, bonds, securities goods, wares, and merchandise of every description.

- (d) To have, purchase, convey, mortgage, and lease within or without the Commonwealth of Massachusetts such real or personal property as the purposes of the Trust may require.
- (e) To do any and all of the things as Trustees to the same extent and as fully as natural persons might or could do as principals, agents, contractors, trustees, developers, even though said express powers do not explicitly appear in this Declaration of Trust.

#### III - SHAREHOLDERS

There are shareholders other than the Trustees named. The term "shareholder" used in this instrument shall mean the holder of a certificate of a share or shares issued under this Trust according to the records of the Trustees. Every such holder of a share or shares becomes a party hereto upon receiving a certificate therefor and ceases to be a party hereto upon parting with the same. The death of any shareholder during the continuance of this Trust shall not operate to determine the Trust nor shall it entitle the legal representative of such deceased shareholder to an account or to take any action in the courts or otherwise against the Trust or the Trustees; but the executors, administrators, or assigns of the decedent shall accede to all the rights of the decedent under this Trust upon proper proof of title. Shares shall be transferable as against the Trustees only on the books of the Trustees and upon the surrender of the outstanding certificate; and until such transfer the Trustees may deal with the record owner thereof and such dealings shall be conclusive upon all the parties.

#### IV - LIMITATIONS OF POWERS OF TRUSTEES

The Trustees shall have no power to act as agent for beneficiaries hereunder and shall not bind them, any person or corporations contracting with the Trustees shall look only to the funds and property of this Trust for

payment under said contract, or for payment of any debt, mortgage, damage, judgment or decree, or for any money that otherwise may become due or payable by reason of any failure on the part of the Trustees, and neither the Trustees nor the beneficiaries under this instrument, either present or future, shall be personally liable therefor, nor shall the beneficiaries be liable for any act or obligation of the Trustees hereunder.

#### V - COMPENSATION OF TRUSTEES

In addition to all reasonable and proper expenses incurred as hereinbefore provided for the management of this Trust, the Trustees shall receive reasonable compensation for their services in said management.

#### VI - BOOKS OF ACCOUNT

The Trustees shall at all times keep full and proper books of account and records of their proceedings and doings, and a book showing the names and addresses of all shareholders hereunder, and the number of shares held by each, and all said books shall be open for the inspection of the shareholders at all reasonable times.

#### VII - RESIGNATION AND SUCCESSION OF TRUSTEES

Any Trustee hereunder or any successor may resign his Trust hereunder by written instrument, signed by him and acknowledged in the manner and form as required for the acknowledgment of deeds, such resignation to take effect when such instrument is recorded with Middlesex South Registry of Deeds. Upon resignation of a Trustee hereunder, he may appoint his successor by the instrument containing his resignation. In case of the death or disability of a Trustee hereunder, the shareholders under this Trust may elect a Trustee to fill the vacancy caused by such death or disability. A certificate of the election of such succeeding Trustee shall be filed in the said Registry of Deeds for Middlesex County, within thirty (30) days after election. The Trust Fund shall immediately vest in the succeeding Trustee upon such appointment or election and he shall thereupon hold the same with all the powers and duties thereby given.

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# VIII - BOND AND PERSONAL LIABILITY OF TRUSTEES

No bond shall ever be required of the Trustees hereunder, and the Trustees and/or succeeding Trustees shall be responsible only for his own wilful breach of trust or misfeasance, and shall not be liable for any act or default of any co-trustee or agent.

#### IX - ALTERATION OF THE TRUST

The shareholders may alter or add to this Trust Indenture or terminate this Trust if they deem it judicious so to do. The instrument setting forth such alteration, addition, termination shall be signed by the Trustees and shall set forth the vote of the shareholders authorizing said change, but the same shall be ineffectual until recorded in said Middlesex South District Registry of Deeds. - DURATION AND TERMINATION

Upon the expiration of twenty (20) years from date hereof, or at such earlier time as hereinbefore provided, the Trustees shall terminate this Trust, and convey the property or distribute the proceeds among the beneficiaries ratably, or their heirs, executors, and administrators, after paying the Frustees' obligations, charges and expenses; but it shall be the duty of the Prustees, and their power shall continue for that purpose, to prosecute and befend all suits and other proceedings pending at time of such termination, and to sell and convey the net proceeds of any property acquired thereby and terminate this Trust, but the Trustees may always retain such funds or property of the Trust as they shall deem necessary to indemnify them because of costs and expenses of such proceedings, and against such decrees or judgments as have been or may be entered against them.

PROVIDED, HOWEVER, and it is especially declared, that the Trustees shall be under no obligation to terminate this Trust or convey the Trust Fund, except as hereinbefore provided.

IN WITNESS WHEREOF, We, the said Alfred P. Tropeano and Wilbur C. ylander, Trustees as aforesaid, hereunto set our hands and seals this 26th day

of June, 1962.

Individually and as Trustee as aforesaid

Milbus C. M. ylander Individually and as Trystee as aforesaid

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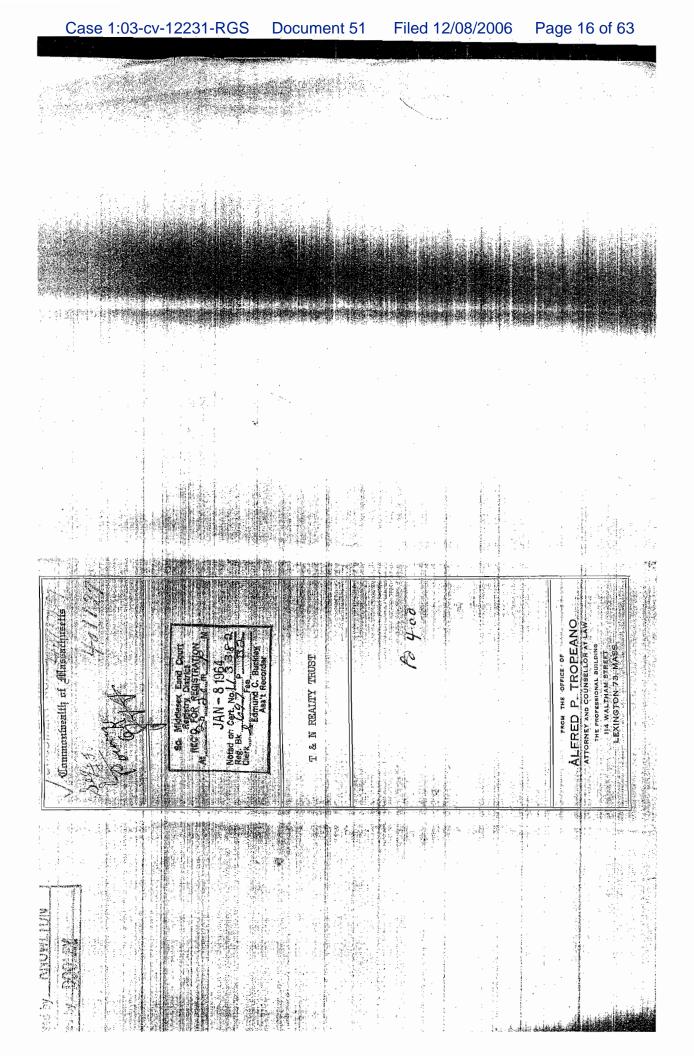
#### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 26 , 1962

Then personally appeared the above-named Alfred P. Tropeano and Wilbur C. Nylander, Trustees as aforesaid, and acknowledged the foregoing instrument to be their free act and deed, before me

My commission expires: December 5, 1964



#### THE T & N REALTY TRUST AMENDMENT

WHEREAS by Article IX it is provided for the alteration of the T & N Realty Trust; and

WHEREAS by a meeting of all the shareholders of said Trust the Trustees were duly authorized to amend and alter the Trust as hereunder set forth,

NOW, THEREFORE, THIS AMENDMENT.

Alfred P. Tropeano of Lexington and Wilbur C. Nylander of Belmont, both of Middlesex County, Massachusetts, Trustees under an Indenture of Trust entitled/'T & N Realty Trust" dated the 26th day of June, 1962, filed with the Land Registration Office for the Middlesex South Registry District as Document No. 401177, in accordance with the unanimous vote of all the shareholders hereby change and amend said Trust as follows:

By striking out under Article VII entitled "Resignation and Succession of Trustees" the third sentence thereof, namely, "A certificate of the election of such succeeding Trustee shall be filed in the said Registry of Deeds for Middlesex County within thirty (30) days after election" and substituting in lieu thereof "A certificate of the election of such succeeding Trustee shall be filed with the Land Registration Office for the Middlesex South Registry District."

By striking out Article IX as it appears therein and substituting in lieu thereof the following: "IX. Alteration of the Trust. By a majority vote of the shareholders having attained the age of 21 or more or the Trustees may alter or add to this Trust Indenture or terminate this Trust if they deem it judicious so to do. The instrument setting forth such alteration, addition, termination shall be signed by the Trustees and shall set forth the vote of the shareholders authorizing said change, and a statement by the Trustees to that effect shall be conclusive and binding on all persons, but the same shall be ineffectual until filed with the Land Registration Office for the Middlesex South Registry District."

Under Article X "Duration and Termination" by striking out "Upon the expiration of twenty (20) years from the date hereof" and substituting in its place "Upon the expiration of twenty (20) years after the death of the survivor of Alfred P. Tropeano and of Wilbur C. Nylander."

Notwithstanding anything to the contrary appearing in the said Trust, the said Trust is amended or added to as follows: In addition to the powers therein granted and without limiting the generality of the foregoing, the Trustees may borrow money in the name of the Trust and give as security therefor notes, mortgages, pledges, security agreements and any and all other instruments that the Trustees in their discretion may consider expedient with all terms, provisions and conditions in and to all instruments to be left to the absolute discretion of the Trustees and even though the obligation or obligations which said mortgage or mortgages secure extend beyond the period for the duration of the Trust. Excepting as herein amended, modified or amplified the aforesaid Indenture of Trust is hereby confirmed.

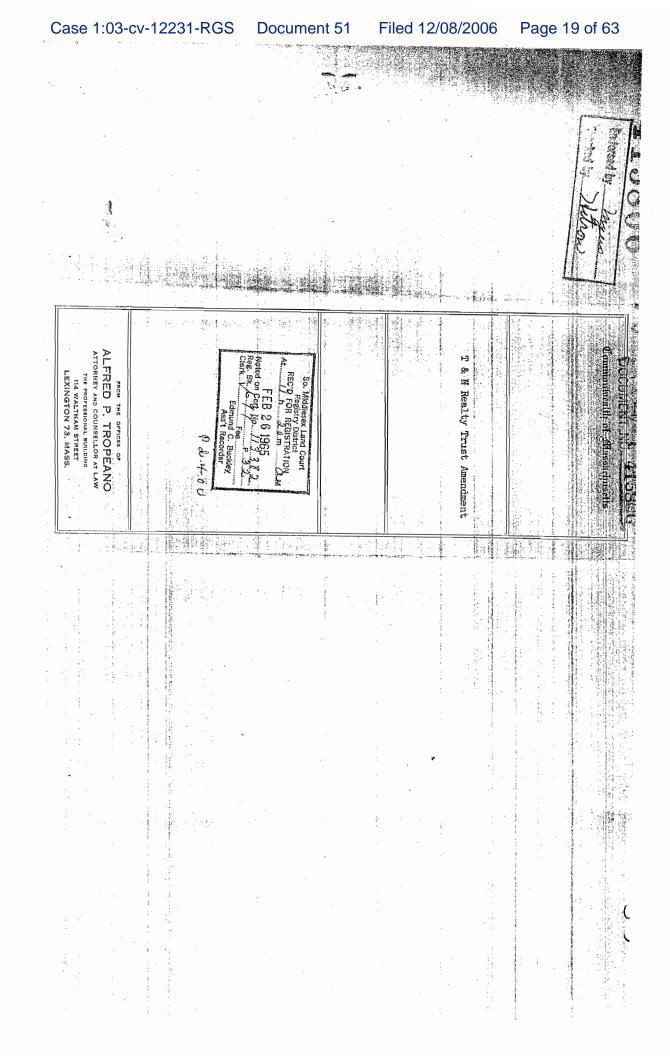
IN WITNESS WHEREOF, we, the said Alfred P. Tropeano and Wilbur C. Nylander, Trustees as aforesaid, hereunto set our hands and seals, this 12th day of February, 1965.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

February

Then personally appeared the above-named Alfred P. Tropeano and Wilbur C. Nylander, individually and as Trustees aforesaid, and acknowledged the foregoing instrument to be their free act and deed, before me



# T & N REALTY TRUST AMENDMENT TO TRUST

ALFRED P. TROPEANO, of Lexington, County of Middlesex and Commonwealth of Massachusetts, and WILBUR C. NYLANDER, of Belmont in said County and Commonwealth, Trustees of T & N Realty Trust dated June 26, 1962, and registered January 8, 1964, being Document #401177, filed in the Land Registration Office of South Registry District and referred to in Certificate 113382, Book 697, Page 32, in accordance with Article IX and by vote of the beneficiaries (sometimes referred to in said trust as Shareholders) hereby amend said trust as follows:

- A. The word "Shareholder and the word Beneficiaries" have been interchangeably used in this trust and the word shareholder(s) should have been beneficiary(ies) and, therefore, this amendment corrects the same as follows:
  - (1) The words "shareholder(s) appearing in Articles
    III, VI, VII, IX and any other article where the
    said word appears are deleted and the word
    beneficiary or beneficiaries inserted in lieu
    thereof.
  - (2) The word beneficiaries appearing in Articles IV and X are affirmed.

By Apticle III is hereby deleted end the following inserted in lieu thereof:

Article III - Beneficiaries

The beneficiaries are the suc ship organized January 8, 1955, and confirmed by the co-partners being Allines P. Tropeano Wilbur C. Nylander, Louis Tropeano, Toseph C. Tropeano, and Philip L. Tropeano referred to in a written copartnership agreement dated January 8, 1964, named "Captain Parker Arms".

Article X - Duration and Termination

By striking out "Upon the expiration of twenty (20) years from the date hereof" and inserting in lieu thereof: expiration of 10 years from the date of death of the survey of the five co-partners referred to in Article III about

D. By adding Article XI "Trustees"

In addition to the trustees Alfred P. Tropeans, and Wilbur C. Nylander, Louis Tropeano and Laurence L. Tropeano, both of said Lexington, are elected and appointed as trustees

- E. By adding Article XII "Signatures"
- (1) The signature of two trustees shall be required on all deeds, mortgages, notes, agreements for sale or purchase of land and of leases.
- (2) The signature of one trustee shall be required on all checks either as maker or endorser.

Except as herein modified, the trust is by vote hereby affirmed.

IN WITNESS WHEREOF, we ALFRED P. TROPEANO and WILBUR C. NYLANDER have hereunder set our hands and seals on this fifth day of February, 1982.

ALFRED P. TROPEANO, Trustee

WILBUR C. NYLANDER, Trustee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

February 5, 1982

Then personally appeared the above-named Alfred P. Tropeano and Wilbur C. Nylander and acknowledged the foregoing to be their free act and deed, before me

Notary Public

My commission expires: 2-13-87

nttem J. Marcine

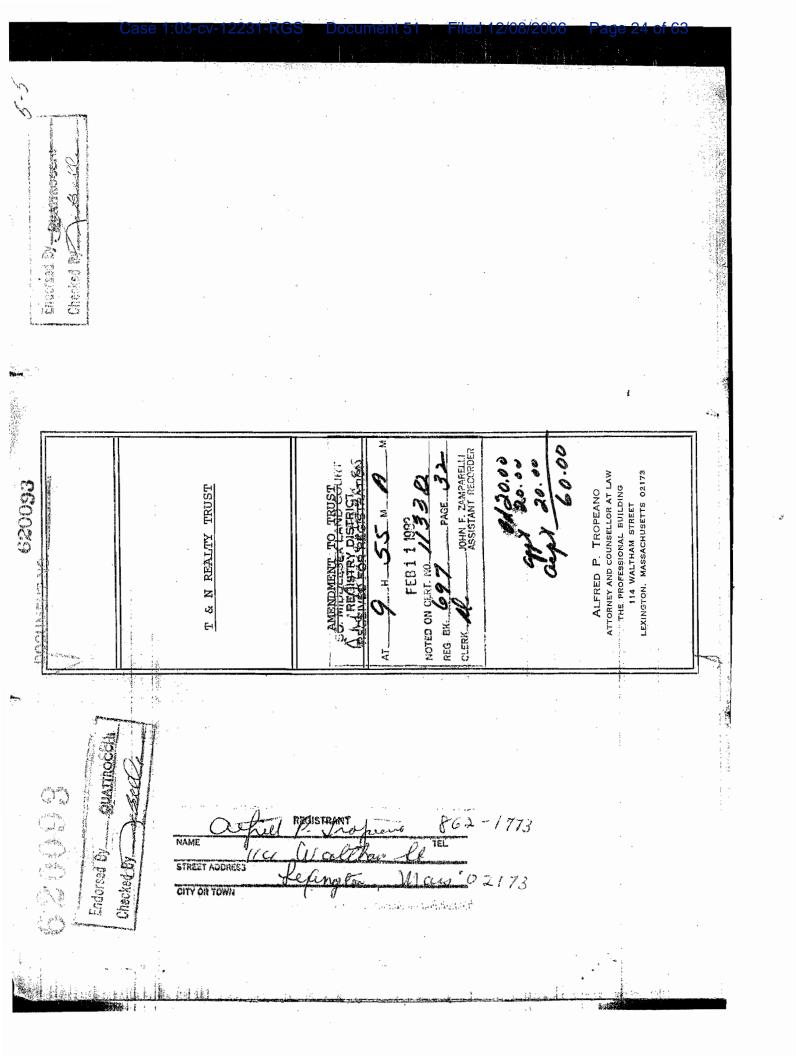
Case 1 03-cv-12231-RCS Document 51 Filed 12/08/2006 Page 23 of 63

ACCEPTANCE BY TRUSTEES

We the undersigned LOUIS TROPEANO and LAURENCE L. TROPEANO being the elected trustees herein named hereby accept our appointment and election as said Trustees.

LOUIS TROPEANO

LAURENCE L. TROPEANO



# T & N REALTY TRUST AMENDMENT TO TRUST

ALFRED P. TROPEANO, LOUIS TROPEANO AND LAURENCE L. TROPEANO all of Lexington, County of Middlesex and Commonwealth of Massachusetts (for appointment and acceptance of Louis Tropeano and of Laurence L. Tropeano, see Doc. No. 620093) Trustees of T & N Realty Trust dated June 26, 1962, and registered January 8, 1964 being Document No. 401177, filed in the Land Registration Office of South Registry District and referred to in Certificate 113382, Book 697, Page 32, in accordance with Article IX and by vote and assent of the beneficiaries hereby smend said trust as follows:

ARTICLE XI: In addition to Trustees named above, Philip L. Tropeano of Beverly, MA and Peter Tropeano of said Lexington are elected and appointed as Trustees.

Except as herein modified, the trust is hereby affirmed.

IN WITNESS WHEREOF, we ALFRED P. TROPEANO, LOUIS TROPEANO and LAURENCE L. TROPEANO have hereunder set our hands and seals on this sixth day of August, 1992.

TROPEANO, Trustee

\$ **3.4**7% +

# COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

August 6, 1992

Then personally appeared the above-named Alfred P. Tropeano and acknowledged the foregoing to be his free act and deed, before me.

Notary Public

My commission expires: /-27-44

# 8 8 4 4 0 1

# ACCEPTANCE BY TRUSTEES

We the undersigned PHILIP L. TROPEANO and PETER TROPEANO being the elected trustees herein named hereby accept our appointment and election as said Trustees.

PHILIP L. TROPPANO

PETER TROPKANO

HOTED ON: ON 18/28/92 ST 81:19:12 68.88 JMS CERT 0112382 BK 59₹ ď, ¦;;

114 WALTHAM STREET

## T & N REALTY TRUST

#### AMENDMENT TO TRUST

LAURENCE L. TROPEAMO and PETER TROPEAMO, both of Lexington, Middlesex County, Massachusetts (for appointment and acceptance of Laurence L. Tropeano see Document No. 620093, for Peter Tropeano see Document No. 884401) and PHILIP L. TROPEAMO, of Beverly, Essex County, Massachusetts (for appointment and acceptance of Philip L. Tropeano see Document No. 884401) Trustees of T & N REALTY TRUST under a Declaration of Trust dated June 26, 1962 and filed with the Middlesex South District Land Registration Office as Document No. 401177 and referred to in Certificate No. 113382 in Registration Book 697, Page 32, in accordance with Article IX and said Trust and by vote and assent of the beneficiaries hereby amend said trust as follows:

ARTICLE XI: In addition to the Trustees named above, MARY C.

GANNETT, of Essex, Essex County, Massachusetts is elected and appointed as a Trustee.

Except as herein modified, the trust is hereby affirmed.

IN WITNESS WHEREOF, we, LAURENCE L. TROPEANO, PETER TROPEANO, and PHILIP L. TROPEANO, being all the remaining Trustees, (Alfred P. Tropeano, Wilbur C. Nylander, Louis Tropeano and Joseph C. Tropeano, all being deceased) have hereunder set our hands and seal

seals this october, 1998.

Tropeano, Trustee

#### ACCEPTANCE BY TRUSTEE

I the undersigned MARY C. GANNETT being the elected Trustee herein named, hereby accepts my appointment and election as said Trustee.

Mary Cf Gannett

#### COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

October, Y

Then personally appeared the above name Laurence L. Tropeano and acknowledged the foregoing to be his free act and deed, before

me

Anthony L. Mancini-Notary Public My commission expires: 1-12-01

13 29/ 132

ON 01/05/80 AT 12486433 娯 397 7 38.09 INC زر د ۱ ĸŝ

# The T & N Realty Trust

# **Appointment Of Trustees**

# Trustees Powers and Authority

T & N Realty Trust was created by Declaration of Trust dated June 26, 1962, as amended, filed as Document 401177 with Middlesex County Registry of Deeds, Southern District, Registered Land Section.

The undersigned hereby certify that the Trustees of the said T & N Realty Trust are the following named persons:

- 1. Charlene Dorman of Menio Park, CA;
- 2. Mary Carol Tropeano of Wenham, MA.; \* E/k/a Mary C. Gannatt
- 3. Laurence Tropeano of Lexington, MA;
- 4. Peter L. Tropeano of Lexington, MA; and
- 5. Philip L. Tropeano of Beverly, MA.

The signatures of any three trustees only shall be required on all deeds, mortgages, loans, contracts, and other instruments relating to the conduct of the business of the Trust. The Trustees shall further be authorized to designate any two trustees to sign checks, make deposits, and perform such other duties as directed by the said Trustees.

Witness our hands and seals this 4th day of January, 2002

Charlene Defman

Peter L. Tropeano

alkly leter tropegno

Mary Carol/Tropeano f/k/a Mary C. Gannett

Philip L. Tropeano

Laurence Tropeano

alkla Laurence L. Tropenno

1 2 1 3 3 3 4 2

#### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 4, 2002

/f/k/a Mary C. Gannett Personally appeared the above named Mary Carol Tropeano, Trustee as aforesaid and acknowledged the foregoing instrument to be her free act and deed, before me

My Commission Expires December 1, 2006

#### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 4, 2002

Personally appeared the above named Peter L. Tropeano, Trustee as aforesaid and acknowledged the foregoing instrument to be his free act and deed, before me

Frederick J. Conroy - Notary Public

My Commission Expires December 1, 2006

#### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 4, 2002

Personally appeared the above named Philip L. Tropeano, Trustee as aforesaid and acknowledged the foregoing instrument to be his free act and deed, before me

My Commission Expires December 1, 2006

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 4, 2002

Personally appeared the above named Laurence Tropeano Trustee as aforesaid and acknowledged the foregoing instrument to be his free act and deed, before me

Frederick L Conroy - Notary Public

My Commission Expires December 1, 2006

1 2 1 3 6 4 9

DIRECTED, VOTED, ACCEPTED AND ASSENTED TO

Charlene Dorman, Trustee

Mary Carol Aropeano, Trustee f/k/a Mary C. Gannett

Peter L. Tropeano, Trustee

Laurence Tropeano, Trustee

#### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 4, 2002

Personally appeared the above named Charlene Dorman, Trustee as aforesaid and acknowledged the foregoing instrument to be her free act and deed, before me

My Commission Expires December 1, 2006

ON 86/07/02 AT DITECTAD 100 .NO THE 香田 桑 CERT 0113382 蝉 (1) (2) (4) 123 i é

Return to: Frederick J. Conroy, Esquire Box 338

781-862-8060

# The T & N Realty Trust

# **Resignation Of Trustee**

I, Laurence L. Tropeano of Lexington, Massachusetts, hereby resign as Trustee of T & N Realty Trust under Declaration of Trust dated June 26, 1962, as amended, filed as Document 401177 with Middlesex County Registry of Deeds, Southern District, Registered Land Section. This resignation is to take effect when filed for record with said Registry of Deeds

Witness my hand and seal this 16th day of May 2002.

Laurence L. Tropeano

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

May 16, 2002

Personally appeared the above named Laurence L. Tropeano and acknowledged the foregoing instrument to be his free act and deed, before me

rederick J. Conroy - Notary Public

My Commission Expires December 1, 2001

2006

ON 86/97/82 AT 81:88:41 58.88 IMG NOTED ON: CERT 0113362 BK 697 8

Frederick J. Conroy, Esquire Box 338-

781-862-8060

### The T & N Realty Trust

200 and a contract of the cont

### Appointment of Trustees

T & N Realty Trust was created by written Declaration of Trust dated June 26, 1962, as amended, filed as Document 401177 with Middlesex County Registry of Deeds, Southern District, Registered Land Section. The Trustees of said Trust are the following named persons:

Charlene Dorman 320 Arlington Way Menlo Park, CA 94025

Philip L. Tropeano 73 Lothrop Street Beverly, MA 01915 Mary Carol Tropesto 12 Eddel Avenue Wenhem, MA 01984

Todd Dorman 25 W. 70th Street - Apt 2A New York, NY10025

Peter Tropeano 19 Revere Street Lexington, MA 02420

Witness our hands and seals this 4th day of November 2002.

Directed, Voted, Accepted and Asserted to

Charlene Downa Charlene Dorman, Trustee

Peter Tropcano, Frustee

Philip L. Tropeano, Trustee

Tropeano, Trustes
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

November 4, 2002

Personally appeared the above named Charlene Dorman, Philip L. Tropeano and Peter Tropeano, trustees as aforesaid, and acknowledged the foregoing instrument to be their free act and deed, before me

My Commission Expires December 1, 2006

a consequencia de proposa que associa en assessamentes de famía estados expendentes e e familia de comensión del color de consequencia de cons

...: ( ) : H ( )

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 10, 2003

Personally appeared the above named Mary Carol Tropeano, trustee as aforesaid, and acknowledged the foregoing instrument to be her free act and deed, before me

Frederick J. Conroy - Notary Public My Commission Expires December 1, 2006

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

1.1

January 10, 2003

Personally appeared the above named Todd Dorman, trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

Frederick J. Corroy - Notary Public

My Commission Expires December 1, 2006

### COMMONWEALTH OF MASSACHUSETTS

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Middlesex, ss.

January 10, 2003

Personally appeared the above named Mary Carol Tropeano, trustee as aforesaid, and acknowledged the foregoing instrument to be her free act and deed, before me

rederick J. Conroy - Notary Bublic

My Commission Expires December 1, 2006

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

٠. :

January 10, 2003

Personally appeared the above named Todd Dorman, trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me

Frederick J. Conroy - Notary Public

My Commission Expires December 1, 2006

Return to: Frederick J. Contoy, Esquire Box 338

DOCUMENT 1256631

SO. MIDDLESEX LAND COURT REGISTRY DISTRICT KECEIVED FOR REGISTRATION

TA 92/28/93 AT 12:55:06 180.00 EM (OTED ON:

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APPOINTMENT OF TRUSTEES OF THE T & N REALTY TRUST

WE, the undersigned duly authorized Trustees of the T & N Realty Trust, created by written Declaration of Trust dated June 26, 1962, as amended, and filed as Document #401177 with Middlesex County Registry of Deeds, Southern District, Registered Land Section, as directed by action of a majority vote of the beneficiaries of the T & N Realty Trust, acting by virtue of power granted by Amendment to Trust dated February 12, 1965, and filed as Document #415806 with Middlesex County Registry of Deeds, Southern District, Registered Land Section, hereby amend the Trust as follows and confirm the appointment of additional Trustees as follows:

- That the number of Trustees of the T & N Realty Trust 1) be changed from five to seven.
- That additional Trustees, Lydia Dorman and Bianca 2) Dorman be appointed Trustees.
- That the signatures of any four trustees only shall be 3) required on all deeds, mortgages, loans, contracts, and other instruments relating to the conduct of the business of the Trust. The Trustees shall further be authorized to designate any two trustees to sign checks, make deposits, and perform such other duties as directed by the said Trustees. Directed, Voted, Accepted and Assalud to,

WITNESS our hands and seal

Trustee

anca Dorman, Trustee

Philip L. Tropenno ITR

### STATE OF CALIFORNIA

County San makes

June 🛵 , 2003

Then personally appeared the above named Charlene Dorman and acknowledged the foregoing instrument to be her free act and deed, before me.



My Commission Expires: A ₹ 7,04

STATE OF NEW YORK

county Owerens

June 13 , 2003

Then personally appeared the above named Todd Dorman and in University acknowledged the foregoing instrument to be his free account deed, before me.

Motory Print ADJODA

My Commission Expires:

STATE OF CALIFORNIA

County San mater

June 12 , 2003

Then personally appeared the above named Lydia Dorman and acknowledged the foregoing instrument to be her free act and deed, before me.

Atricia e. Benson My Comm. Exp. Aug. 7, 2004

Notary Public

My Commission Expires: Ag 707

STATE OF CALIFORNIA

County Son make

June | ] , 2003

Then personally appeared the above named Bianca Dorman and acknowledged the foregoing instrument to be her free act and deed, before me.

Notary Public

My Commission Expires: 分典力の

Patricia e. Benson (

### VOTE OF MAJORITY OF BENEFICIARIES OF THE T 6 N REALTY TRUST

WE, the undersigned beneficiaries of the T & N Realty Trust, created by written Declaration of Trust dated June 26, 1962, as amended, and filed as Document #401177 with Middlesex County Registry of Deeds, Southern District, Registered Land Section, representing a majority vote of the beneficiaries of the T & N Realty Trust, by virtue of power granted by Amendment to Trust dated February 12, 1965, and filed as Document #415806 with Middlesex County Registry of Deeds, Southern District, Registered Land Section, hereby adopt the following votes:

VOTED: That the number of Trustees of the T & N Realty Trust be changed from five to seven.

VOTED: That additional Trustees, Lydia Dorman and Bianca Dorman be appointed Trustees.

VOTED: That the signatures of any four trustees only shall be required on all deeds, mortgages, loans, contracts, and other instruments relating to the conduct of the business of the Trust. The Trustees shall further be authorized to designate any two trustees to sign checks, make deposits, and perform such other duties as directed by the said Trustees.

That four or more Trustees shall execute a recordable VOTED: document evidencing this vote and record same at the Middlesex County Registry of Deeds, Southern District, Registered Land Section forthwith.

In all other manner, we hereby confirm and ratify the provisions of that original Trust Agreement dated June 26, 1962 as amended.

WITNESS our hands and seal

### STATE OF CALIFORNIA

country Sen mades

June /6 , 2003

Then personally appeared the above named Charlene Dorman and acknowledged the foregoing instrument to be her free act and deed, before me.

Notary Public

My Commission Expires: A 704



### STATE OF NEW YORK

County Rucens

June 13, 2003

Then personally appeared the above named **Todd Dorman** and acknowledged the foregoing instrument to be his free act and deed, before me.

Notary Fublic

My Commission Expires:

Hotery Public, State of How York
No. Glatinate 1867
Gustified in General County
Commission Deplet August 13, 2009

Commission Equites August 13, 2005

### STATE OF CALIFORNIA

County San Marteo

June /6 , 2003

Then personally appeared the above named Lydia Dorman and acknowledged the foregoing instrument to be her free act and deed, before me.

otary Public

My Commission Expires: A-97,09



### STATE OF CALIFORNIA

County San Modes

June /6 , 2003

Then personally appeared the above named **Bianca Dorman** and acknowledged the foregoing instrument to be her free act and deed, before me.

Notary Public

My Commission Expires: A-9704



DOCUMENT 1278862

ON 86/19/83 AT 11:57:19 225.88 JMC
NOTED ONE.
CERT 0113382 BK 697 PG 32

Kevin	M.	Sargis	781.	863.	0719
AME	***********		TEL.	<del></del>	
TREET ADDRES	\$			_	

CITY OR TOWN

ZΙΡ

### Exhibit K

### EDWARDS ANGELL PALMER & DODGE LLP

111 Huntington Avenue Boston, MA 02199 617.239.0100 fax 617.227.4420 eapdlaw.com

Sander A. Rikleen 617.951.3355 fax 888.325.9550 srikleen@eapdlaw.com

September 21, 2006

Thomas M. Ciampa, Esq. Ciampa & Associates 20 Park Plaza, Suite 804 Boston, MA 02116

Re:

Phillip L. Tropeano, et al. v. Charlene Dorman, et al., U.S. Dist. Ct., Dist. of Mass., No. 03-CV-12231-RGS

Dear Tom:

I am still getting to know all of the papers in this case.

In light of the First Circuit ruling that your clients are deemed to have withdrawn from the partnership as of October 1, 2003, it seems that they should formally resign as Trustees of the Trust. Accordingly, I enclose Resignation forms for each of your clients.

Can you have your clients sign these, get their signatures notarized, and return them to me at your earliest convenience?

Very truly yours,

Sander A. Rikleen

SAR/emt Enclosures

cc: Christine O'Connor, Esq.

BOS111 12074064.1

### RESIGNATION OF MARY CAROL TROPEANO AS TRUSTEE OF **T&N REALTY TRUST**

Declaration of Trust dated Ju	ne 26, 1962, as amer nty Registry of Deeds	nded (the " s, Southern	tee of the T& N Realty Trust under 'Declaration), filed as Document on District, Registered Land Section orth in the Declaration.
Witness my hand and seal thi	s day of Septem	ber, 2006.	
Mary Carol Tanagna (f/k/a N	Jany C. Connott)		
Mary Carol Topeano (f/k/a M	ary C. Gamlett)		
COMMONWEALTH OF MA	ASSACHUSETTS	)	
COUNTY OF MIDDLESEX		)	
	o (f/k/a Mary C. Gar	nett), pro	ersigned notary public, personally ved to me through satisfactory
□ driver's license or other statimage,	te or federal governi	mental doc	cument bearing a photographic
□ my own personal knowledg	ge of the identity of t	the signato	
to be the person whose name voluntarily for its stated purp	•	acknowled	aged to me that she signed it
	Notary Public My Commission Ex	nires:	
	TVI V COMMINISSION EX	DILOS.	

### RESIGNATION OF PETER TROPEANO AS TRUSTEE OF T&N REALTY TRUST

I, Peter Tropeano, hereby re Declaration of Trust dated I 401177 with Middlesex Co This resignation is to take e	June 26, 1962, as amend unty Registry of Deeds,	led (the "Declaration), file Southern District, Registe	ed as Document ered Land Section.
Witness my hand and seal t	his day of Septemb	er, 2006.	
Peter Topeano (a/k/a Peter	L. Tropeano)		
COMMONWEALTH OF N	MASSACHUSETTS	)	
COUNTY OF MIDDLESE	X	)	
On this day of Sept appeared Peter Topeano (a/identification, being (check	k/a Peter L. Tropeano),		, 1
□ driver's license or other s image,	state or federal governm	ental document bearing a	photographic
□ oath or affirmation of a c			ve signatory, or
☐ my own personal knowle to be the person whose name voluntarily for its stated pure	ie is signed above and a		e signed it
	Notary Public		
	My Commission Exp	pires:	

( -

### RESIGNATION OF PHILIP L. TROPEANO AS TRUSTEE OF T&N REALTY TRUST

Declaration of Trust dated Ju- 401177 with Middlesex Cour	ne 26, 1962, as amend ty Registry of Deeds,	ts trustee of the T& N Realty Trust under ded (the "Declaration), filed as Document, Southern District, Registered Land Section.
Witness my hand and seal thi	s day of Septemb	per, 2006.
Philip L. Topeano	<del></del>	
COMMONWEALTH OF MA	ASSACHUSETTS	)
COUNTY OF MIDDLESEX		)
appeared Philip L. Topeano, position (check whichever applies):	proved to me through	e, the undersigned notary public, personally satisfactory evidence of identification, being
☐ driver's license or other statimage,	te or federal governm	nental document bearing a photographic
□ oath or affirmation of a cre □ my own personal knowledge		to me who knows the above signatory, or
	is signed above and a	acknowledged to me that he signed it
	Notary Public	
	My Commission Exp	pires:

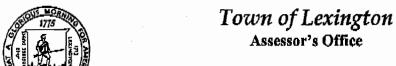


Exhibit L

Tel: (781) 862-0500 x203

Fax: (781) 861-2733

December 4, 2006

<u>Delivered via facsimile (617-227-4420) & 1<sup>st</sup> class mail</u> Edwards, Angell, Palmer & Dodge, LLP Thomas W. Kirchofer 111 Huntington Avenue Boston, MA 02199

RE: 125 Worthen Road

Lexington, MA

Joseph H. Nugent Jr., Town Assessor

Dear Attorney Kirchofer,

As per your request, I have attached a copy of the commitment for the above-mentioned property for fiscal year 2004.

The property in question has been marked with an asterisk. You will note that the land and building values are clearly defined as well as the net actual taxes billed for that fiscal year.

If you should have any questions, please feel free to contact me.

Sincerely,

Susan Cappuccio

Administrative Assistant -

Attachments (1)

				THY COMMITMENT BOOK				ייייייייייייייייייייייייייייייייייייי
KEAL ESTATE FOR FISC	FOR FISCAL 2004 TAX YEAR 07/01/20	YEAR 07/0:	1/2003 TO 06/30/2004	/2004				
PROPERTY/OWNER CI		H	- 1	* SE	CHARGE	TAX	* INSTAL	INSTALLMENTS*
0032-000216 T & N REALTY TRUST 114 WALTHAM ST LEXINGTON, MA 02421	132 52775		LAND BUILDING TOTAL VALUE DEFERMENT EXEMPTION	000'9	RES TAX PRELIM TAX NET ACTUAL	62.82 52.97 9.85	H 12 12 4	17.66 17.65 17.66
LOC: RYDBR LN BILL NO BOOK/PAGE DE 9812 697/32 01	DEED DATE 01/01/1964	SQ FT 75794	NET VALUE	6,000				
	52.97	4		.00 ABT		.00 PRELIM O	OVERBILL	00
0041-00007B 1 & N RBALTY TRUST 114 WALTHAM ST LEXINGTON, MA 02421	112 52775	i	LIAND BUILDING TOTAL VALUE DEFERMENT EXENPTION	902,000 7,617,000 8,519,000	RES TAX PRELIM TAX NET ACTUAL	89,193.93 72,926.99 16,266.94	1 2 2 5 4	24,309.00 24,308.99 24,309.00 16,266.94
LOC: 125 WORTHEN RD BILL NO BOOK/PAGE DE 9813 697/32 01	DEED DATE 01/01/1964	SQ FT 391300	NET VALUE	8,519,000		44		
ED		id.		.00 ABT		.00 PRELIM O	OVERBILL	.00
12AFFE JAMES L & TAAFFE JAMES L & TAAFFE JAMES L & TAAFFE MARIKA RUTH GLIXMAN 43 RINDGE AVE LEXINGTON, MA 02420	132 51375 MAN		LAND BUILDING TOTAL VALUE DEFERMENT EXEMPTION	4,000	RES TAX PRBLIM TAX NET ACTUAL	41.88 35.31 6.57	ন্তাল ক	11.77
LOC: RINDGE AVE BILL NO BOOK/PAGE DI 9814 21257/241 06	DBED DATE ' 06/19/1991	SQ FT 4717		4, 600				
		ADJ		.00 ABT		ELIM	OVERBILL	00.
AAFFE JAMES L. & AAFFE MARIKA RUTH GLIXMA 3 RINDGE AVE EXINGTON, MA 02420	010			259,000 207,000 466,000 0	RES TAX PRELIM TAX NET ACTUAL	4,879.02 3,574.85 1,304.17		1,191.62 1,191.61 1,191.62 1,304.17
IOC: 43 RINDGE AVE BILL NO BOOK/PAGE DE 9815 21257/241 06	DEED DATE 06/19/1991	SQ FT 6323	NET VALUE	466,000				
PRELIM BILLED 3,574.65	3,574.85	ADJ		.00 ABT		.00 PRELIM OVERBILL	VERBILL	. 00

#17927#436

### Exhibit M

### EMERSON GARDENS CONDOMINIUM

### EXHIBIT "C"

Unit No.	Number of Rooms/Unit Style	Approx. Area in sq. ft. Unit / Basement / Total	Percent Interest in <u>Common Elements</u>
2	4/Cape	605 / 275 / 880	.532
2	5/TH	830 / 358 / 1188	- 690
3	5/TH	830 / 358 / 1188	. 690
4	5/TH	830 / 358 / 1188	. 690
5	5/TH	830 / 358 / 1188	.690
6	4/Cape	605 / 538 / 1143	.532
7	5/TH	830 / 320 / 1150	.700
8	5/TH	830 / J20 / 1150	-690
9	5/TH	908 / 245 / 1153	.690
10	5/TH	830 / 358 / 1188	.690
11	5/TH	830 / 358 / 1188	. 690
12	5/TH	830 / 358 / 1188	.69G
13	S/TH	830 / 358 / 1188	. 690
14	5/TH	830 / 358 / 1188 908 / 454 / 1362	.700
15	4/Cape	605 / 275 / 880	.532
16	5/TR	830 / 358 / 1188	. 690
3.7	5/TH	830 / 358 / 1188	.690
16	5/TH	830 / 358 / 1188	.690
19	5/TH	830 / 358 / 1188	.690
20	1/Cape	605 / 538 / 1143	. 532
21	5/TH	830 / 205 / 1035	.700
22	5/TH	830 / 424 / 1254	.690
23	5/TH	830 / 358 / 1188	,690
24	5/TH	830 / 358 / 1188	.690
25	5/TH	830 / 358 / 1188	•
26	5/78	830 / 358 / 2188	- 69 Q
27	5/TH	830 / 424 / 1254	. 69 C
28	5/TH	830 / 424 / 1254	.690 .700
29	4/Cape	605 / 275 / 880	.532
30	5/TH	830 / 358 / 1188	.690
31	5/TH	830 / 358 / 3588	
32	5/TH	830 / 358 / 1188	. 690 . 690
33	5/TH	830 / 358 / 1188	•
34	4/Cape	605 / 538 / 1143	- 690
	1,000	003 / 330 / 1143	. 532
35	5/TH	908 / 454 / 1342	.700
36	5/TH	830 / 358 / 3188	. 690
37	5/TH	830 / 358 / 1188	. 690
38	<b>5/TH</b>	830 / 358 / 1188	. 690
39	S/TH	830 / 358 / 3188	. 690
40	5/TH	908 / 254 / 1162	. 690
41	5/TH	830 / 358 / 1188	. 690
42	5/TH	830 / 358 / 1188	.700

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### EMERSON GARDENS CONDOMINIUM EXHIBIT "C" (Continued)

	Number of		Percent
	Rooms/Unit	Approx. Area in sq. ft.	Interest in
Unit No.	Style	Unit/Basement/Total	
	******	TITEL ENSEMBLINE NEW YORK	Common Elements
43	4/Cape	605 / 275 / 880	. 532
44	5/TH	830 / 358 / 1188	. 690
45	5/TH	830 / 358 / 1188	
46	5/TH	830 / 358 / 1188	- មិគីប
47	5/TH		, 690
4 8	4/Cape	830 / 358 / 1188	. 690
7.7	4) 4000	605 / 538 / 1343	-532
49	5/TH	830 / 205 / 1015	.700
50	5/TH	830 / 424 / 1254	
51	5/TH	830 / 358 / 1188	. 690
Š2	5/3H		. 690
57		830 / 358 / 1188	. 690
	5/TH	830 / 358 / 1168	.690
54	5/ <b>TH</b>	830 / 358 / 1188	.690
55	5/TH	830 / 424 / 1254	.690
56	5/TH	830 / 424 / 1254	. 700
57	4/Cape	605 / 275 / 880	.532
58	5/TH	830 / 358 / 1188	. 690
59	5/TH	830 / 358 / 1188	.690
60	5/TH	830 / 358 / 1188	.690
<b>61</b>	5/TH	830 / 358 / 1188	. 690
62 -	4/Cape	605 / 538 / 1143	
	,,	702 / 350 / 1143	. 532
6.3	5/TH	800 / 358 / 1188	.700
64	5/TH	830 / 358 / 1188	
65	5/TR	908 / 245 / 1153	- 690
66	5/31		. 690
67	5/TH	830 / 358 / 1188	. 690
68	5/TR	830 / 358 / 1188	.690
69	5/1H	830 / 358 / 1188	.690
70		830 / 358 / 1288	. 690
	\$/ <b>TH</b> 1	908 / 245 / 1153	- 690
71	5/TH	830 / 158 / 1188	- 690
72	5/111	830 / 358 / 1188	. 700
73	4/Cape	50E / 53B / 331B	<b>7.</b>
74		605 / 538 / 1143	.532
	5/TH	830 / 358 / 1188	. 69Q
75	5/TH	830 / 358 / 1188	<b>₊690</b>
76	5/TH	830 / 358 / 1188	. 690
77	5/ <b>T</b> H	B30 / 358 / 1188	. 690
78	4/Cape	605 / 275 / 880	, 532
**	et admire		
7 S	5/TH	830 / 205 / 1035	.700
80	5/TH	830 / 358 / 1188	. 690
81	5/TH	830 / 358 / 1288	. 690
8.2	5/TH	830 / 358 / 1188	.690
83	5/TH	830 / 358 / 1188	.690
84	5/ <del>7</del> H	830 / 358 / 1188	. 690
85	5/TH	830 / 358 / 1188	. 690
86	5/TH	830 / 358 / 1188	. 700
	.,	/ 330 / 2270	

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### EMERSON GARDENS CONDOMINIUM EXHIBIT "C" (Continued)

Unit No.	Number of Rooms/Unit Style	Approx. Area in sq. ft_ Unit/Basement/Total	Percent Interest in Common Elements
87	1 (000	***	
88 -	4/Cape	605 / 275 / 880	.532
89	5/TH	830 / 358 / 1188	.690
9 Q	5/TH	830 / 358 / 1188	, 690
91	5/TH	630 / 358 / 1188	. 690
92	5/TH	830 / 358 / 1188	- 690
92	4/Cape	605 / 538 / 1143	.532
93	5/TH	870 / 358 / 1188	<b>-</b>
94	5/TH	830 / 358 / 1188	.700
95	5/TH	908 / 245 / 1153	. 690
96	5/TH	830 / 358 / 1188	. 690
97	5/336		.690
9.6	9/TH	930 / 358 / 1188 630 / 358 / 1186	. 690
99	5/TH	830 / 358 / 1188	.690
100	5/TH	908 / 245 / 1153	.690
101	5/TH	830 / 358 / 1188	. 690
102	5/TH	830 / 358 / 1188	. 690
	-,	034 / 336 / 1168	. 700
103	4/Cape	605 / 270 / 875	
104	4/Flat	756 / 305 / 1061	.532
105	4/Flat	756 / 325 / 1081	- 532
106	4/Flat	756 / 325 / 1081	- 532
107	4/Flat	756 / 305 / 1061	.532
108	4/Cape	605 / 550 / 1155	, 532
	,	000 / 330 / 1133	-532
109	5ノなけ	830 / 424 / 1254	
110	5/TH	830 / 424 / 1254	- 700
111	5/TH	830 / 358 / 1188	. 690
112	5/TH	830 / 358 / 1188	. 690
113	5/TH	830 / 358 / 1188	.690
114	SITH	630 / 150 / 1188	. 690
115	5/TH	830 / 358 / 1188	- 6 <del>9</del> 0
116	5/TM	830 / 424 / 1254	. 6 <del>9</del> 0
•	27 . 11	830 / 205 / 1035	- 780
117	5/TH	93/3 / 4/5 / 3/46	
118	5/TH	830 / 465 / 3295 830 / 465 / 3295	. 700
119	4/Flat	825 / 405 / 1210	· 690
120	4/Flat	825 / 365 / 1190	.675
121	4/Flat	006 / 046 / 1100	. 675
122	4/Flat	825 / 365 / 1100	. 675
123	\$/TH	825 / 405 / 1230	.675
124	5/7'8	830 / 465 / 1295	-690
* 4 =	37 1 D	830 / 265 / 1095	.700

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### EMERSON GARDENS CONDOMINIUM EXHIBIT "C" (Continued)

Unit No.	Number of Rooms/Unit Style	Approx. Area in sq. ft. Unit/Basement/Total	Percent Interest in <u>Common Elements</u>
125	5/TH	830 / 358 / 1188	.700
126	5/T#	830 / 358 / 1188	- 690
127	5/TH	908 / 280 / 1168	. 690
128	4/Flat	825 / 358 / 1183	. 675
129	4/Fint	825 / 335 / 1160	. 675
130	4/Flat	825 / 335 / 1160	.675
131	4/Flat	825 / 358 / 1183	.675
132	5/TH	908 / 450 / 1358	. 690
133	5/TH	830 / 358 / 1186	.690
134	5/TH	830 / 358 / 1188	.700
135	4/Cape	605 / 270 / 875	.532
136	4/Flat	825 / 305 / 1130	. 674
137	4/Flat	825 / 305 / 1130	.674
138	4/Flat	825 / 325 / 1150	.674
139	4/#1at	825 / 305 / 1130	.674
140	4/Cape	605 / 640 / 1245	-532
141	5/TH	830 / 358 / 1188	.700
142	5/11代	830 / 358 / 1188	.690
143	5/TH	908 / 380 / 1188	, ሉባብ
144	4/Flat	425 / 358 / 1183	. 675
145	4/flat	825 / 335 / 3160	-675
146	4/F) nt	825 / 335 / 1160	. 67ዓ
147	4/Flat	825 / 358 / 1193	.675
148	5/TH	908 / 450 / 1358	. 690
144	5/TH	830 / 358 / 3188	. 690
150	5/TH	830 / 358 / 1188	.700

The number of rooms includes all labelled rooms except bathrooms, closets, hallways and foyers.

All "Cape" style units are located on the first floors of their respective buildings and are situated immediatably below an exterior roof. They have immediate access to common area land outside the buildings.

All "Townhouse" style units (designated as "TH" above) are located on the first and second floors of their respective buildings and have immediate access to common area land outside the buildings.

Unit numbers 104, 106, 119, 12), 128, 130, 136, 138, 144 and 146 are "Flat" style units located on the first floors of their respective buildings. Unit numbers 105, 107, 120, 122, 129, 131, 137, 139, 145 and 167 are "Flat" style units located on the second floors of their respective buildings. All "Flat" style units have immediate access to common area ballways and stairways providing egress at the front and rear of their respective buildings.

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### EMERSON GAPLEHS CONDOMINIUM EXHIBIT "C" (Continued)

The Unit dimensions shown on the Plans extend to the interior wall surfaces, but, as hereinafter set forth, Unit boundaries extend in most cases to the plane of the interior surface of the wall stude of furrings.

The boundaries of the Units, with respect to the floors, coilings, doors and windows thereof are as follows:

1) Plocrs:

the plane of the upper surface of the subflooring, on the lowermost floor of the Unit.

2) Ceilings:

the plane of the lower surface of the ceiling joists or, in the case of a Thit situated immediately beneath an exterior roof, the plane of the lower surface of the roof rafters or trusses.

3) Interior Building Walls Between Units and Between Units and Common Areas: the plane of the surface of the wall furring or stude, or the plane of the surface facing such unit of the masonry or cement where masonry or cement is the finished material.

4) Doors and Windows:

the plane of the exterior surface of doors, and exterior surface of window glass and the interior surface of the window and door frames.

5) Exterior Building Walls:

the plane of the interior surface of wall furring or stude, or the plane of the interior surface of the masonry where masonry is the finished material.



# Emerson Gardens Condon

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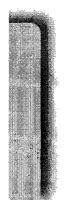
### Home

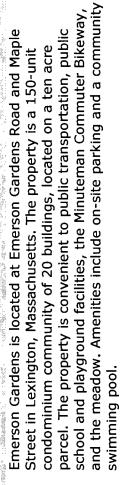
Meetings

Forms and Documents

Contact Information

Area Information





## Meeting and Newsletter Information

Throughout the year, Trustees meet regularly to discuss current issues. Trustee meetings are hel on the 2nd Tuesday of each month.

Copies of meeting minutes are now available online on the meetings page.

Topics of general interest covered at monthly Trustee's meetings are reported in the Association! Newsletters. The current newsletter is available here.

Filed 12/08/2006

Download the resident information form and return it to the Niles Corporation after completion. The association is also currently collecting resident information in the 2005 resident census.

### **Condo Documents**

The following documents are provided for reference:

- Unit Owner's Handbook: Emerson Gardens Policy and Procedures
  - Massachusetts General Laws Ch. 183A
- Emerson Gardens Condo Documents (10 MB)



Additional documents and forms can be found on the Forms and Documents page.

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### Maintenance and Emergencies

Emerson Gardens is served by an on-site Superindendent, Brian Gilreath, to provide common are services and property maintenance.

24 hour/day answering service Hours: 6am - 3:30pm 73B Emerson Gardens 781.863.8148 617.221.1000 Brian Gilreath Emergencies

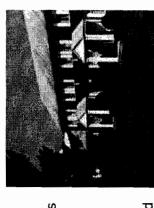
Emergencies include loss of heat or hot water, water leaks, flooding, loss of electrical power to ar individual building. When reporting the emergency, please state that you are calling from Emersc Gardens Condominium, Lexington, state your name, unit number and building letter, and explain the nature of the problem.



A five person Board of Trustees governs Emerson Gardens. Trustees serve two-year terms. Anyone who wishes to serve as a Trustee is encouraged to submine his/her name for nomination prior to the trustee election held at the Emerson Gardens Condominium Trust's Annual Meeting. Trustees serve for a two year term beginning with the annual meeting of unit owners at which they are elected, and ending at the annual meeting two years hence. Current trustees and their term end dates are:

Trustee	Term End Date
Dan Baczkowski, Chairman	2007
Clora Bucci	2006
Donna Hooper	2006
Eric Michelson	2006
Michelle Yeh	2007

Trustees may be contacted via email at trustees@emersongardenscondo.com.



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